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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,570	12/23/2004	Keith Edwin Curtis	3128/FBR	3433

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EXAMINER

JANAKIRAMAN, NITHYA

ART UNIT PAPER NUMBER

2123

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/720,570	Applicant(s) CURTIS ET AL.	
	Examiner Nithya Janakiraman	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/21/00</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

This action is in response to the application filed on 12/23/04. Provisional application date of 06/24/98 is granted. Amendment filed on 12/21/00 is acknowledged. Claims 1-8 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 9965579, Bond (hereinafter Bond).

3. Regarding claim 1, Bond teaches

A control apparatus (see Figure 1, "control board") for emulating the physical characteristics of binary data stored in EPROM media for use with a digital processing device (see page 4, lines 24-35), comprising a CPU (see claim 1), operating system (see Figure 1, "System BIOS and OS" 44), dynamic memory (see page 5, "memory means", "...means to verify and authenticate the program means and the data means..."), input/output capability (see page 10, paragraph 2) and executable software (see Abstract), including:

- a. a control means (see Figure 1, "control board");
- b. a non-volatile storage means (see page 5, "memory means");
- c. at least one V-PROM resident on said non-volatile storage means (see Figure 3A);
- d. a communications means between said V-PROM and said CPU (see Figure 2);
- e. a presentation means (see claim 28);
- f. a means for registering authorized users of said presentation means (see claim 28);
- g. a reporting means for activities of said users (see page 6);
- h. a security means for protection of contents of said V-PROM(see Figure 3A);
- i. a selection means for isolating subset of said contents of said V-PROM (see page 11, paragraph 1);
- j. a connection means between said V-PROM and at least one external EPROM-compatible device (see Figure 2, "V-PROM registry", "EPROM based control program";

see page 8, "...supplies power to the other four components via power cables and connectors...").

4. Regarding claim 2, Bond teaches:

The control apparatus of Claim 1, wherein said control means chooses among said subsets of said contents of said V-PROM for presentation to said EPROM-compatible device (see page 11, paragraph 1).

5. Regarding claim 3, Bond teaches:

The control apparatus of Claim 2, wherein said EPROM-compatible device comprises authentication capability (see page 3-4, "Summary of Invention").

6. Regarding claim 4, Bond teaches:

The control apparatus of Claim 3, wherein said authentication capability is designed for gaming activities (see page 3, line 34).

7. Regarding claim 5, Bond teaches:

The control apparatus of Claim 1, wherein said subsets of said contents of said V-PROM comprise gaming applications (see page 3, lines 29-36).

8. Regarding claim 6, see rejection of claim 1.

9. Regarding claim 7, Bond teaches:

The method of Claim 6 wherein said software relates to the field of gaming (see page 3, lines 26-35).

10. Regarding claim 8, Bond teaches:

The method of Claim 6 wherein said EPROM-compatible device relates to authentication activities (see page 3, paragraph 2).

### *Additional References*

Additional references which cite inventive concepts similar to the inventive concept of the invention are: US Patent 6620047, Alcorn et al; US Patent 5707286 Carlson.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nithya Janakiraman whose telephone number is 571-270-1003. The examiner can normally be reached on Monday-Thursday, 8:00am-5:00pm, EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on (571)272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NJ

  
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